

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,  
Plaintiff**

**vs.**

**CESAR BURGOS-PEREZ  
T/N: CESAR LUIS BURGOS-PEREZ  
Defendant**

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**CR. NO. 99-00268-005 (DRD)**

**MOTION NOTIFYING VIOLATION OF SUPERVISED RELEASE TERM,  
REQUEST FOR TOLLING OF THE TERM  
AND  
ISSUANCE OF AN ARREST WARRANT**

**TO THE HONORABLE DANIEL R. DOMINGUEZ,  
UNITED STATES DISTRICT JUDGE  
FOR THE DISTRICT OF PUERTO RICO**

**COMES NOW, NORMA RIVERA-ROCHET, U.S. PROBATION OFFICER OF THIS  
HONORABLE COURT**, and respectfully presents an official report upon the conduct of Mr. César Burgos-Pérez.

Mr. Burgos-Pérez was sentenced by Your Honor on June 8, 2000, to a thirty (30) month imprisonment term and a three (3) year term of supervised release for violation of Title 21 U.S.C. §846 - Conspiracy to Possess with Intent to Distribute Heroin. The special conditions imposed were urinalysis and treatment, if necessary, financial disclosure and evidence that income tax returns have been duly filed with the Department of Treasury, Commonwealth of Puerto Rico. On November 3, 2001, Mr. César Burgos-Pérez was released from the Metropolitan Detention Center Guaynabo, Puerto Rico to commence the supervised release term imposed.

Motion Notifying Violation of Supervised Release was filed on November 21, 2003. Consequently, hearing was held on January 16, 2004 during which time the Court found that the offender did violate his conditions as cited in the Motion. However, the Court did not revoke and the offender was reinstated to supervision. The Court amended the conditions and ordered that the offender be referred to the “ Instituto Ponceño del Hogar” for counseling to learn control mechanisms for anger management. The releasee was “strongly advised by the Court that any future violations could result in the revocation of his term”. The remaining conditions imposed on June 8, 2000, continued in effect.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

1. **VIOLATION OF CONDITION NO. NO. 2 - “The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.”**

The offender failed to report to his scheduled October 21, 2004 office meeting. The Monthly supervision report for September 2004 has not been submitted.

2. **VIOLATION OF CONDITION NO. 4 - “The defendant shall support his or her dependents and meet other family responsibilities.”**

Offender is no longer able to comply with this condition as a result of his having quit his job.

3. **VIOLATION OF CONDITION NO. 5 - “The defendant shall work regularly at a lawful occupation.”**

During conversation sustained with offender on October 25, 2004 he admitted having quit his job.

4. **VIOLATION OF CONDITION NO. 6 - “The defendant shall notify the probation officer ten (10) days prior to any change in residence or employment.”**

Community contact established on October 17, 2004, alerted the US Probation Officer that the offender moved from the address on record, to wit, Public Housing Project López Nussa. Information received on October 18, 2004, revealed that the offender was living at Public Housing Project Arístides Chavier. Communication established with the offender on October 25, 2004, confirmed that he had moved, was reportedly “roaming the streets” and staying wherever shelter was offered him. Mr. Burgos-Pérez also admitted having quit his job in order to avoid being apprehended by the authorities.

5. **VIOLATION OF MANDATORY CONDITION - “While on supervised release, the defendant shall not commit another federal, state, or local crime.”**

On October 25, 2004, the offender informed that the local authorities have a warrant for his arrest for a murder that occurred in the Public Housing Project López Nussa. On October 29, 2004, personnel from the Ponce Court House confirmed that the offender has various outstanding charges pending to include Murder in the First Degree for the death of Rubén Colón which took place on October 3, 2004, in López Nussa. Official court documents as to pending charges have been requested.

6. **VIOLATION OF SPECIAL CONDITION: -“The defendant shall refrain from the unlawful use of controlled substances ...”.**

Urine specimen collected on June 3, 2004 detected the use of marihuana as confirmed by Scientific Testing Laboratories, Inc.

7. **VIOLATION OF SPECIAL CONDITION: - During the January 16, 2004 hearing the Court ordered “ . . . Mr. Cesar L. Burgos . . . to seek professional help. . . and fully comply with the terms and procedures of the institution (Instituto Ponceño del Hogar)...”**

During the October 25, 2004 conversation with the offender he informed that he was not attending the sessions at the “Instituto Ponceño del Hogar”.

**WHEREFORE**, unless the Court rules otherwise, having considered the local pending charges to include 1<sup>st</sup> Degree Murder, as well as the offender’s admission to certain violations, this officer respectfully prays that Mr. Burgos-Pérez’ term of supervised release (scheduled to expire on November 2, 2004) be tolled, an arrest warrant be issued and he be brought before the Court to determine if his term of supervised release is to be revoked. Thereupon, the releasee to be dealt with pursuant to law.

In San Juan, P.R., this 1<sup>st</sup> day of November 2004.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

S/Norma Rivera-Rochet

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Norma Rivera-Rochet

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U.S. Probation Officer

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Federal Office Building

150 Carlos Chardón Ave., Room 400

San Juan, Puerto Rico 00918

Main Telephone #: (787) 771-1269

Fax: (787) 766-5945

e-mail address: norma\_rivera@prp.uscourts.gov

NRR/evn



**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFIED** that on October 29, 2004, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Assistant U.S. Attorney Antonio Bazán, Torre Chardón, Suite 1201, 350 Carlos Chardón Avenue, San Juan, 00918; Jorge Rivera, P.O.Box 1845, Manati, Puerto Rico 00674.

At San Juan, Puerto Rico, November 1<sup>st</sup>, 2004.

S/Norma Rivera-Rochet

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Norma Rivera-Rochet  
U.S. Probation Officer-in-Charge  
Federal Office Building Room 400  
San Juan, PR 00918-1741  
Main Telephone #: (787) 771-1269  
Fax: (787) 766-5945  
e-mail address: norma\_rivera@prp.uscourts.gov

NRR/evn